



STATE OF UTAH

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER

JOHN BENE
DEPUTY

442 STATE CAPITOL
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March 4, 1974

DIRECTING ENGINEERS

HAROLD D. DONALDSON
DONALD C. NORSETH
EARL M. STAKER

Mr. James B. Lee
Parsons, Behle & Latimer
79 South State Street
Salt Lake City, Utah 84111

Dear Mr. Lee:

Re: Price River Distribution System

This will acknowledge your letter of February 22, 1974, to Mr. John Bene, Deputy State Engineer, regarding the minutes of the Price River Distribution System Annual Meeting with reference to the Don Hamilton exchange application.

In your letter you refer to the improper action of a representative of the State Engineer's Office in commenting on whether the application should be approved or rejected. Your information is incorrect. The discussion was proper in a distribution meeting as it centered around the physical possibility of making the exchange should it be approved. After much discussion the consensus of opinion was that if he owned the water and if the application was approved and was physically possible, then he would be permitted to carry the water in the river provided it was measured in and out and would not interfere with other vested rights. It was also expressed at the meeting that the exchange had not been approved at that time and that no diversion of water could be made until final action was taken on the application.

Although approval or rejection of the exchange application was not discussed, we will attach your letter to the minutes as a matter of record. Thank you for your interest.

Yours truly,

Donald C. Norseth
Directing Engineer

DCN/mmt